

The mission of the NORTHWEST WORKERS' JUSTICE PROJECT is to defend and strengthen the workplace and organizing rights of low-wage contingent and immigrant workers in the Pacific Northwest.

Coalition advances worker protections

Oregon workers achieved an important victory in June with the passage of a new state law to make it harder for abusive construction labor brokers to stiff workers of their wages. Wage theft is rampant in construction, in large part because some licensed building contractors use loosely regulated middle men to supply workers to construction sites. These labor brokers too often steal wages, pay with cash under the table, misclassify workers as independent contractors, and disappear or run out of money before they can be held accountable.

To help solve this problem, Oregon law will now require most construction labor brokers (those whose only job is to supply workers) to obtain a license with the Oregon Bureau of Labor and Industries and post a bond. Responsible construction contractors will have a way to verify that they are dealing with a quality operation, and construction businesses that knowingly use unlicensed labor brokers will clearly be liable for unpaid wages. Workers who are not paid will be able to recover their wages through the bond.

NWJP led over 30 partner organizations in the Oregon Coalition to Stop Wage Theft in winning these new protections for Oregon's construction workers. The Coalition continues our campaign to get all workers paid by strengthening the law, strengthening enforcement of existing protections, and strengthening the role that communities play in supporting workers whose wages are stolen. While much work remains to end wage theft in our state, Oregonians can celebrate that we've taken an important step in that direction. ☘



Photo by Douglas Yarrow

NWJP's Executive Director Michael Dale (center) testifies in support of a package of bills to address the problem of wage theft in Oregon. He is joined by Coalition partners Lee Mercer of the Main Street Alliance of Oregon (left) and Karen Nettler of the Oregon Center for Christian Voices (right). March 2013.

NWJP reaches ten years in struggle for worker justice

October 1st marked an important milestone – ten years to the day since NWJP first opened our doors to support the most marginalized working people in their struggle for justice in the workplace. We celebrated by gathering with 150 supporters at a special dinner to honor the victories of our first decade and look forward to our second. The event was also the culmination of a year-long fundraising campaign to intensify our efforts for worker justice by adding a third attorney to our legal team.

We're proud to announce that, thanks to the overwhelming generosity of old and new friends, we exceeded our \$140,000 tenth anniversary fundraising goal! We could not have done it without the support of hundreds of indi-



NWJP attorneys Corinna Spencer-Scheurich and Erin Pettigrew

Continued on **PAGE FOUR**



Gilberto, Jesús, and Rafael (from left to right) are Oregon construction workers whose wages were stolen by an unlicensed labor broker. Their advocacy efforts played an important role in the passage of a state law to make it harder for such employers to steal wages. You can watch them and others tell their stories at www.nwjp.org/oregon-coalition-to-stop-wage-theft/stories/.

Northwest Workers' Justice Project

812 SW Washington Street, Ste 1100
Portland, Oregon 97205

503-525-8454 • www.nwjp.org

NWJP Staff:

Michael Dale, *Executive Director*
Lindsay Jonasson, *Outreach & Development Coord.*
Patricia Laguna, *Paralegal*
Leslie Lambert, *Development Associate*
Erin Pettigrew, *Staff Attorney*
Genice Rabe, *Legislative Counsel*
Corinna Spencer-Scheurich, *Directing Attorney*

NWJP Board of Directors:

Larry Kleinman, *President*
Steve Goldberg, *Vice President*
Tricia Smith, *Secretary/Treasurer*
Michael Dale, *Executive Director*
Michael Burch
Manuel Perez
Christy Te

NEED Fund Board of Directors:*

Mia Butzbaugh, *President*
Bill Resnick, *Vice President*
Tricia Smith, *Secretary/Treasurer*
Lynn-Marie Crider
Steve Goldberg
Keith Cunningham-Parmeter
Hank Kaplan
Sarah Loose

* NEED Fund was founded alongside NWJP to support our 501(c)(3)-eligible program work.

NWJP launches monthly luncheons for Oregon's worker advocates



Legal advocates gather at NWJP for a lunch session of the Oregon EAT training series.

In July, NWJP founded "Employee Advocates Together" (EAT) and began hosting monthly brown bag luncheons. The regular meetings serve as a forum for Oregon's low-wage and contingent worker justice attorneys to meet and share ideas and informal trainings. Trainings have included discus-

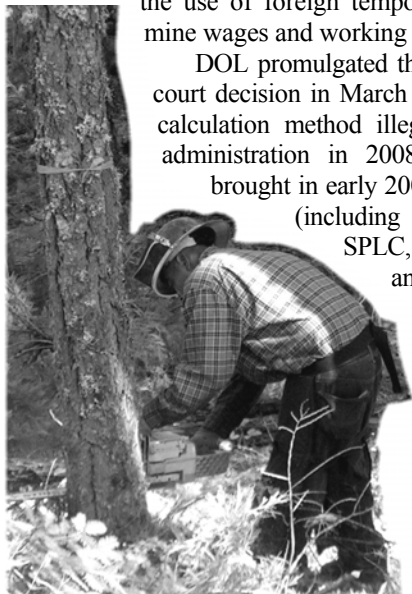
sions on workers' rights protections in comprehensive immigration reform, new laws in Oregon protecting construction workers, and an open forum called "The Dish" for advocates to bring topics to the group for discussion. If you are interested in joining EAT, please email Corinna at corinna@nwjp.org.

H-2B workers win pay raise

Worker advocates have finally succeeded in raising minimum wages for H-2B temporary foreign workers and U.S. workers recruited during the H-2B application process. The new wage rate adopted this summer by the U.S. Department of Labor (DOL) requires employers participating in the H-2B program to pay workers at actual prevailing wage rates for those jobs, rather than at the substandard wage rates previously allowed. This helps ensure that the use of foreign temporary labor does not undermine wages and working conditions in the U.S.

DOL promulgated the new rule in response to a court decision in March 2013 that vacated the wage calculation method illegally adopted by the Bush administration in 2008. The litigation was first brought in early 2009 by NWJP and co-counsel (including Friends of Farmworkers, SPLC, CDM, NC Justice Center, and private attorney Edward Tuddenham).

Now, employer opposition is seeking ways to avoid paying these higher wages. NWJP and our allies will continue the legal battle to preserve the dignity of foreign workers in the U.S. and create good jobs for U.S. workers.



State legislators recognized for efforts to stop wage theft



The Oregon Coalition to Stop Wage Theft recently recognized nine state legislators for their role in the passage of HB 2977, a new law to crack down on wage theft in the construction industry. State Senator Chip Shields is pictured above (center) with a token of our gratitude: a painting by an Oregon immigrant day laborer. He is joined by Romeo Sosa, Executive Director of Voz (right), and NWJP Legislative Counsel Genice Rabe (left). The Coalition also specially thanked Representatives Dembrow, Doherty, Holvey, Jensen, Read, and Witt and Senators Johnson and Hansell. ☘

Workers seek justice through legal system

NWJP's legal team is growing — and with it our power to support low-wage workers in using the law to hold their employers accountable for workplace exploitation. In our first ten years of operation, our small legal team (less than two full-time lawyers for most of the decade) and co-counsel have recovered more than

\$2 million in lost wage and damages for hundreds of low-wage workers who suffered wage theft, employment discrimination, retaliation for reporting an injury or organizing for better conditions, and other exploitation on the job. Below are a few examples of cases we have been working on in recent months:



Executive Director Michael Dale (center) with two former clients at his 65th birthday celebration.

Protecting workers' right to organize:

All too often, workers who are brave enough to stand up for their legal rights at work are illegally fired or demoted in retaliation, contributing to the cycle of silence and abuse in low-wage workplaces. This summer, NWJP successfully resolved a case on behalf of a group of landscapers who were fired for engaging in protected collective activity. After the conditions of their work changed (and they were paid less for the same hard work), the workers asked for a small raise, only to be fired the next day. Through a successful complaint at the National Labor Relations Board, the workers were able to stand up and tell their story of exploitation, their courageous request for more compensation, and their unjust termination.

Staff Attorney Erin Pettigrew (left) with a former client.



Standing against workplace discrimination:

Illegal discrimination is a daily reality for workers in many of Oregon's low-wage workplaces, as illustrated by the many discrimination cases that NWJP is currently handling. For example, one woman was illegally fired from her janitorial position for taking Oregon family leave to care for her critically ill mother-in-law in Mexico. Another woman was forced into a part-time job upon

her return from pregnancy leave when her supervisor discriminatorily decided that she would not be able to handle her full-time position while raising twins. A security guard who is a refugee from Africa was subjected to ongoing harassment by a co-worker because of his race.

Securing unpaid wages using liens:

Wage theft (the underpayment or non-payment of wages) is particularly pervasive in the construction industry, and the perpetrators are often "fly-by-night" subcontractors who disappear or go bankrupt before the unpaid workers make it through the legal process. NWJP has had significant success in recent months using pre-judgment construction liens to address this problem. In one such case, we were able to recover wages for a construction worker from the Willamette Valley who was owed thousands of dollars for framing labor performed on a student housing project. In another case, we collabo-



A former client (left) holds a check for unpaid construction wages, alongside Directing Attorney Corinna Spencer-Scheurich.

rated with the Workers' Rights Clinic at the University of Washington School of Law to file liens on behalf of three construction workers who had traveled to Oregon from Washington with promises of good pay and a place to sleep. Instead, they received no pay for their construction work and were forced to sleep on the grounds of the construction site, without access to adequate food. All four workers recovered the wages they were owed. ✪



Thanks to our Summer 2013 law clerks: (from left to right) Ben Turner, Kristin Welsh, Sydney Boling, and Alyssa Sappenfield.

Community celebrates tenth anniversary

Continued from page one: viduals, law firms, unions, and foundation partners who have joined with us to help put the law at the service of low-wage workers. Together, we've grown NWJP's potential to stand for dignity in the workplace and have put the organization firmly on a path to permanence for decades to come.

We would like to extend special thanks to major tenth anniversary contributors, including the Coon Family Foundation, United Food and Commercial Workers Union (UFCW) Local 555, Service Employees International Union (SEIU) Local 503, Oregon School Employees Association (OSEA), Meyer Memorial Trust, Initiative for Public Interest Law at Yale, and the Kaiser Permanente Community Fund at Northwest Health Foundation.

At our tenth anniversary celebration, Executive Director Michael Dale shared his vision of NWJP's role in the fight for economic justice in our second decade. As



Photo by Kirsty Frederick

Tribunes of Worker Justice: *Family Forward Oregon stood to be recognized at NWJP's Tenth Anniversary Celebration in early October. Co-Founders Andrea Paluso and Sharon Bernstein were the 2013 recipients of NWJP's "Tribune of Worker Justice" Award for their leadership in advancing the rights of Oregon's workers by advocating the adoption of laws requiring paid sick leave and basic protections for domestic workers.*

we take stock of where we've been (see page five), we also look forward to working together with our allies to ensure that

all workers have the legal support they need to effectively demand justice in our low-wage workplaces. ★



The People's Keynote: *When the shutdown of the federal government prevented our keynote speaker from attending our Tenth Anniversary Celebration, friends of NWJP stepped up to the microphone to share their motivation for supporting our efforts for worker justice. Many thanks to (from left to right) Jim Coon, Cathy Highet, Angel Lopez, Barbara Byrd, and Steve Goldberg for helping to put on a tenth anniversary keynote speech to remember. All photos by Kirsty Frederick.*



Photo by Kirsty Frederick

A FOND FAREWELL

We say goodbye to Lindsay Jonasson (pictured left in center) and *mil gracias* for her dedication and hard work at NWJP. Lindsay joined us in June 2008 and has, over the years, contributed to all aspects of NWJP's work, including litigation support, organizing the Oregon Coalition to Stop Wage Theft, legislative advocacy, and resource development. A dedicated social justice activist on behalf of immigrant communities, Lindsay has been a passionate advocate for our clients and for justice for low-wage workers. Over the last five years, she has helped the organization grow and flourish. Lindsay will be missed tremendously. We wish her all the best as she goes forward to take the next steps in her career path!

A DECADE OF STANDING FOR DIGNITY IN THE WORKPLACE

SINCE NWJP OPENED ITS DOORS ON OCTOBER 1, 2003, working with allies, our small staff (less than two full-time lawyers and two non-lawyers for most of the decade) has:

LITIGATION AND POLICY ADVOCACY:

- ✧ Won passage in 2013 of a new law in Oregon to **root out wage thieves in the construction industry** by better regulating abusive construction labor brokers and the employers who contract with them.
- ✧ Won the adoption of **better rules for the H-2B temporary worker program that has raised wages paid by H-2B employers by an average of \$2.12 per hour** and, when fully implemented, will protect wages and working conditions for U.S. workers and protect foreign temporary workers from exploitation.
- ✧ Helped local allies in Columbia County to **defeat anti-immigrant ballot measure** and led the legal team that **enjoined another Arizona-styled initiative from being enforced**.
- ✧ Helped pass a law that **created whistle blower protection** for Oregon workers.
- ✧ Spearheaded the formation of the **Oregon Coalition to Stop Wage Theft** – 35 labor, faith, immigrant rights, and advocacy groups **working together to support low-wage workers in collecting their wages**.
- ✧ **Recovered more than \$2,000,000 in lost wages and damages** for 286 individuals, and a class of 637, who faced wage theft, employment discrimination, and other workplace abuses.
- ✧ **Provided individualized advice and counsel** to another 1,154 workers.

ACCESS TO JUSTICE:

- ✧ Catalyzed a successful campaign that **made thousands of temporary foreign H-2B reforestation workers eligible for LSC-funded legal services**.
- ✧ **Established and staffed the Low Wage Worker Legal Network**, linking more than 220 employment lawyers from over 100 non-profit programs and private firms throughout the U.S. and Mexico to work collectively on litigation, policy advocacy, and training.
- ✧ **Trained more than 2,249 lawyers and law students** about employment law issues.
- ✧ Engaged and trained 41 private and legal services attorneys in low-wage worker cases by **co-counseling**.

COMMUNITY EDUCATION:

- ✧ **Provided “Know Your Rights” training** to 3,700 workers and worker leaders.
- ✧ **Facilitated 32 “Immigration Myth-Buster” meetings** involving 1,592 members of the public in Oregon to educate and clarify the issues surrounding immigration reform.

FUNDRAISING FOR WORKER JUSTICE:

- ✧ **Raised and administered \$1,925,645 in grants from 13 foundations and \$175,547 in donations from about 400 individuals**, law firms, unions, and others.



Onward together into our second decade of defending and advancing the rights of all workers!



812 SW Washington, Ste 1100
Portland, Oregon 97205

NONPROFIT ORG
US POSTAGE
PAID
PORTLAND OR
PERMIT NO. 586

The **Northwest Workers' Justice Project** is proud to be celebrating our ten year anniversary of standing with vulnerable low-wage workers and their organizations in the struggle for fair wages and working conditions for all, here in Oregon and across the country. Many thanks to everyone who has joined us in this work.

Turn to page five for a look back at what we have accomplished together in NWJP's first decade.

I will stand for worker justice with a contribution of:

☐ \$50 ☐ \$100 ☐ \$250 ☐ \$500 ☐ \$1,000 ☐ other _____

Name of giver(s): _____

Address: _____

Phone: _____ Email: _____

Donations made directly to NWJP are not tax-deductible. To give a tax-deductible gift to support NWJP, please make your donation to our partner non-profit, NEED Fund.

☐ A check is enclosed. (Please make payable to *either* NWJP or NEED Fund.)

☐ Please bill my credit/debit card. Name on card _____

Card no. _____ Exp date _____ CVV _____

Zip code _____ Signature _____

Donation to (circle): NWJP (not tax-deductible) / NEED Fund (tax-deductible)

☐ Please check here if you would like this donation to be kept anonymous.

Please mail to:

NWJP
812 SW Washington St, Ste 1100
Portland, OR 97205

You can also donate online by credit or debit card. Get more information at www.nwjp.org/support-us.

Thank you for your support.